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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,041	09/05/2000 .	Leonard Pinchuk	BSI-430US8	9622
23122 RATNERPRES	7590 08/16/200° STIA	7	EXAMINER	
P O BOX 980			THALER, MICHAEL H	
VALLEY FORGE, PA 19482-0980			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary Commonstrate							
Examiner Art Unit		Application No.	Applicant(s)				
Michael Thaler The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.		09/657,041	PINCHUK ET AL.				
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Newly submitted claims 43-58 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 43-58 (invention I) are drawn to the subcombination of a branched endoluminal support device. The claims originally presented (invention II) are drawn to the combination of a trunk component and a separate leg component.

and related combination Inventions Ι ΙI are as subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). instant case, the combination as claimed does not require the particulars of the subcombination as claimed because combination claim 1 does not include the particular feature that the support portion includes an isthmus as recited in claim 43. subcombination has separate utility. For example, it could be used without the separate leg component recited in claim 1.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 43-58 are withdrawn from

consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The indicated allowability of claims 40-42 is withdrawn in view of the newly discovered reference(s) to Martin (5,575,817). Rejections based on the newly cited reference(s) follow.

Claims 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin (5,575,817). Martin discloses a multicomponent bifurcating expandable supportive graft comprising trunk component 7 surrounding a trunk liner 3, the trunk liner 3 having a generally cylindrical body portion 6 and two leg portions 4, 5, wherein the generally cylindrical body portion of the liner 3 and portions of the leg portions 4, 5 (i.e. the radially outward portion of each leg portion 4, 5) abut the trunk component 7 (Note that the trunk component 7, i.e. the mesh support, covers substantially the entire trunk liner 3, i.e. the graft including its leg portions 4, 5 as indicated in Thus, the radially outward portion of col. 2, lines 37-42. trunk liner 3, i.e. the portion of trunk liner 3 which includes its outer surface, abuts the inner surface of trunk component 7 where the trunk liner 3 and trunk component 7 are bonded together.), and portions of the leg portions not abutting the trunk component (i.e. the radially inward portion of each leg portion 4, 5) abut one another and are secured to one another Application/Control Number: 09/657,041 Page 4

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(where the leg portions 4, 5 meet at their tops and thus abut each other as shown in figure 1 and where they are secured to one another due to their unitary connection with each other), and a generally cylindrical supportive leg component 2 which is telescopically positioned with respect to one of the leg portions 6 of the liner (col. 3, lines 29-34). As to claim 42, note col. 2, lines 39 and col. 3, lines 23-26 of Martin.

Claims 1-30 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571) 272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

MICHAEL THALER PRIMARY EXAMINER ART UNIT 3731

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portions 6 of the liner (col. 3, lines 29-34). As to claim 42, note col. 2, lines 39 and col. 3, lines 23-26 of Martin.

Claims 1-30 are allowed.

Applicant's arguments filed May 21, 2007 have been fully considered but they are not persuasive. The phrase "tailored to the same dimensions" in col. 2, lines 37-42 of Martin indicates that, in this embodiment, the mesh support has substantially the same dimensions as the graft. When a material is "tailored to the same dimensions" as another material, this normally means that the two materials have substantially the same dimensions.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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